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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/937,202	09/21/2001	Kay Brodesser	BRODESSER ET.	6444
25889	7590	02/20/2004	EXAMINER	
WILLIAM COLLARD COLLARD & ROE, P.C. 1077 NORTHERN BOULEVARD ROSLYN, NY 11576			ORTIZ, ANGELA Y	
			ART UNIT	PAPER NUMBER
			1732	
DATE MAILED: 02/20/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/937,202

Applicant(s)

BRODESSER ET AL.

Examiner

Angela Ortiz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 28 is/are allowed.
- 6) ☒ Claim(s) 15-27 and 29-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 15-27, 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Narayama et al., USP 5,266,262 in view of Bezner, USP 4,352,772 for the reasons cited in the previous office action.

The cited primary reference teaches the basic claimed process of molding an intake manifold including injection molding onto flanged tube ends of the manifold to form an integrally molded plastic part. The reference is further described by the applicant in the instant specification. The detailed steps include providing a blow-molded composite formed with multiple tubes. The tubes are round and include circular flanges coupled with the ends of the tubes. The flanges are optionally tapered, see figures 6 and 8. The flanged tube ends are placed within an injection molding die, and plastic is injection molded to form an integral union. See claims 1-4.

While the reference clearly teaches that the injection molded plastic is thermally bonded to the flanged tube ends, the reference does not teach complete melting of the flange so that it forms a part of the injected resin material.

The added reference is cited to demonstrate the conventionality of melting a portion with an injected plastic so that the melted portions form a part of the finally molded article.

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The added reference teaches injection molding a manifold onto hollow tube ends. The detailed process steps include providing tubular elements within an injection mold cavity, and injecting plastic material under a high pressure and temperature so that there is complete fusion of the parts at the interface. See col. 4, lines 15-48; col. 5, lines 1-20.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to mold the second plastic onto the tube ends at a sufficient temperature and pressure as shown in the added reference, when performing the process set forth in the primary reference, for forming an intake manifold having completely fused parts at the union of the parts.

With respect to claims 16-18, 29 note that figures 6 and 8 of the primary reference, and their associated discussions, show tapered flange sections as claimed, as addressed above.

With respect to claims 19-20, note that the added reference discusses temperature and pressure ranges as desired, see col. 4, lines 15-48.

With respect to claims 21-27, 30-31 note that both references set forth conventional resin materials equivalent to the materials disclosed by the applicant in the instant case.

Response to Arguments

Applicant's arguments filed 24 November 2004 have been fully considered but they are not persuasive.

Applicant argues the neither cited reference teaches the feature of binding bodies, which are tapered flanges, which melt by the thermal energy of a plastic being molded onto the flanges, nor the feature of the melted body being integrated into the plastic material being molded. Note that this argued feature is a property of the fusing or melting procedure and directly results when fusing or melting is performed. With respect to the applied prior art, this feature is deemed inherent and obvious within the primary reference alone, and is further obvious from the art combination. In the primary reference, at col. 4, lines 37-43, the art teaches that the first molded part is allowed to cool prior to injection molding of the second part thereto, thus the integrally formed second part would obviously melt the cooled portion upon contact. Nonetheless, the added reference teaches injection molding a second part onto a first part such that second part melts and bonds with the first part, thus the melted portions of the first part form part of the finally molded product. See col. 4, lines 42-48. It would have been obvious in view of the added reference, when performing the process set forth in the primary reference, to melt and bond the exterior portion of the first part, which includes the bonding bodies or flanges, with the plastic of the second part for achieving an integral composite product. With respect to claims 21 and 26, the viscosities and fiber-reinforced plastic materials do not appear to have a relation to the argued binding bodies, and are deemed obvious properties of the plastic material selected, and equivalent alternatives to the materials disclosed in the references, and well within the choice of the practitioner.

Allowable Subject Matter

Claim 28 is allowed.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela Ortiz whose telephone number is 571-272-1206. The examiner can normally be reached on Monday-Thursday 9:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on 571-272-1196. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Angela Ortiz
Primary Examiner
Art Unit 1732

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